

Appl. No.: 09/141,264
Filed: August 27, 1998
Page 13

REMARKS

Applicants appreciate the thorough examination of the present application, as evidenced by the final Official Action. Applicants also appreciate the final Official Action withdrawing the rejection of independent Claim 59 under 35 U.S.C. § 112, second paragraph. However, the final Official Action continues to reject Claims 58 and 59 under 35 U.S.C. § 103(a) as being unpatentable over the Delorme patent, in view of a press release entitled: *ICL Nets Contract for Birmingham Transit Info System*. Also, while the final Official Action no longer rejects Claims 1-57 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,948,040 to DeLorme et al., the final Official Action now rejects Claims 1-57 under 35 U.S.C. § 103(a) as being unpatentable over the DeLorme patent, in view of Official Notice taken by the final Official Action. In addition, the Official Action continues to provisionally reject Claims 1-59 under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-59 co-pending U.S. Patent Application No. 10/141,935. Again, Applicants note that at such time as the provisional rejection matures into an obviousness-type double patenting rejection with the issuance of the present application or the '935 application, Applicants will respond accordingly, such as by filing a Terminal Disclaimer.

To expedite examination of the present application, Applicants have cancelled independent Claim 59. However, as explained below, with respect to the rejection of Claims 1-57, Applicants respectfully traverse the Official Notice taken by the final Official Action, and thus, traverse the rejection of such claims. In addition, as also explained below, Applicants respectfully traverse the rejection of independent Claim 58. In light of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application. In this regard, Applicants respectfully submit that these amendments do not raise any new issues and do not introduce any new matter, and should therefore be considered and entered by the Examiner.

Independent Claims 1, 20 and 39 of the present application recite a data processing system, computer-readable medium and method for processing travel requests using a travel database. The system includes a memory including program instructions, and a processor operating responsive to the program instructions. In this regard, the processor operates

Appl. No.: 09/141,264
Filed: August 27, 1998
Page 14

responsive to the instructions to receive a travel goal specifying a destination location and an appointment time for arrival at the destination location. For example, the method may include receiving a travel goal specifying that the user wishes to arrive at 123 Main St., New York at three o'clock in the afternoon and that he/she is leaving from Washington, D.C. The processor also operates to access the travel database to locate travel information corresponding to the destination location and the appointment time. Then, the processor determines an arrival time at an intermediate point (e.g., LaGuardia Airport in New York) within a vicinity of the destination location using the located travel information that allows time for traveling between the intermediate point and the destination location to ensure arrival at the destination location (e.g., 123 Main St., New York) by the appointment time (e.g., three o'clock in the afternoon). In addition, the processor also operates to determine at least one mode of transportation between the intermediate point and the destination location based upon the travel goal.

As explained in response to the first Official Action, the DeLorme patent discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The users can also preview alternate routes between a set travel origin and travel destination, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. The DeLorme system allows a user to construct a highly selective travel route between the travel origin and travel destination, with user-selected waypoints of interest along the route. In this regard, the DeLorme system provides for changing the travel route including the transportation routes, waypoints, and objects or points of interest. Col. 7, lines 25-30.

In contrast to the claimed invention of amended independent Claims 1, 20 and 39, and as conceded by the final Official Action, the DeLorme patent does not teach or suggest determining at least one mode of transportation between the intermediate point and the destination location based upon the travel goal. However, the Official Action takes Official Notice that manually determining "one mode of transportation between the intermediate point and the destination location based upon the travel goal is old and well established in the field of traveling." The Official Action continues by explaining that a traveler who has to travel to Washington, D.C. from New York would inherently determine which secondary mode of transportation (e.g., taxi,

Appl. No.: 09/141,264
Filed: August 27, 1998
Page 15

private pick-up, metro, metro bus, walking, rental car, etc.) would suit him based upon the cost and time available to him to reach a destination point in the city at an appointment time.

According to M.P.E.P. § 2144.03(A.), Official Notice can only be taken of facts that are "capable of instant and unquestionable demonstration as being well-known." Citing *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), the M.P.E.P. continues by explaining that "the notice of facts beyond the record which maybe taken by the examiner must be 'capable of such instant and unquestionable demonstration as to defy dispute.'" Applicants respectfully submit that the final Official Action did not, in fact, take Official Notice of facts capable of instant and unquestionable demonstration as being well known so as to defy dispute. In this regard, with respect to manually determining a mode of transportation, in various instances a traveler has never visited the intermediate location, or otherwise has no prior knowledge regarding the intermediate location. Likewise, in various other instances, a traveler has never visited the destination location, or otherwise has no prior knowledge regarding the destination location. In both such instances, the traveler will likely be incapable of determining a mode of transportation between the intermediate location and destination location based upon a travel goal, as recited by the claimed invention, and contrary to the Official Notice taken by the Examiner.

Thus, the final Official Action has taken Official Notice that a traveler would inherently determine a secondary mode of transportation based upon the cost and time available to the traveler to reach a destination point in the city at an appointment time. Applicants respectfully submit, however, that it is equally plausible that the same traveler, in at least two alternative instances, would likely be incapable of determining a mode of transportation between the intermediate and destination locations. As explained above, traveler proceeding from an intermediate location to a destination location may not be capable of determining a mode of transportation between the intermediate location and destination location based upon a travel goal. For example, a traveler who has either never been to New York City or has never flown in to LaGuardia Airport may not know the difference in time between taking a cab or the Metro to 123 Main St. Therefore, Applicants respectfully submit that the assertion that the traveler would inherently determine a mode of transportation between the intermediate location and destination location based upon a travel goal is not capable of instant and unquestionable demonstration as

Appl. No.: 09/141,264
Filed: August 27, 1998
Page 16

being well known so as to defy dispute, as required to take Official Notice of facts not in the record.

Applicants therefore respectfully submit that the claimed invention of independent Claims 1, 20 and 39 is patentable over the cited references, taken individually or in combination. And as dependent Claims 2-19, 21-38 and 40-57 each depend, directly or indirectly, from independent Claims 1, 20 and 39, respectively, Applicants respectfully submit that dependent Claims 2-19, 21-38 and 40-57 are also patentable over the cited references for at least the same reasons given above with respect to independent Claims 1, 20 and 39. As such, Applicants respectfully submit that the rejection of Claims 1-57 is overcome.

In addition to rejecting Claims 1-57, the final Official Action rejects independent Claims 58-59 as being unpatentable over the DeLorme patent, in view of the Press Release. As previously explained, the method of Claim 58 includes the steps of receiving a travel goal including a destination location and an appointment time, and recommending a plurality of travel options and recommending a plurality of secondary modes of transportation based on the travel goal to ensure arrival at the destination location by the appointment time. The method also includes invoking a transportation decision system to select one of the plurality of travel options and one of the secondary modes of ground transportation based on the recommended travel options and the recommended secondary ground transportation. A determination is made whether an overnight stay is required, and when it is determined that an overnight stay is required, a hotel decision support system is invoked to select a hotel. The method also includes invoking an activity and restaurant decision support system to select activities and restaurants in a vicinity of the destination location.

As explained above with respect to independent Claims 1, 20 and 39, the DeLorme patent does not teach or suggest determining at least one mode of transportation between the intermediate point and the destination location based upon a travel goal. For the same reasons as above, and as conceded by the Official Action, the DeLorme patent also does not teach or suggest recommending a plurality of secondary modes of transportation based on the travel goal, as recited by independent Claim 58. However, the final Official Action alleges that the Press Release discloses these features.

Appl. No.: 09/141,264
Filed: August 27, 1998
Page 17

As previously explained, the Press Release discloses a real-time travel information service being developed for the Birmingham transit network. As disclosed, the system will be capable of providing real-time bus scheduling information, and will also recommend alternative transportation modes and routes to passengers. In addition, the system will also provide information regarding bus positions along specified routes, including expected arrival times. Further, the system will provide information about expected delays, special events and fares.

In contrast to independent Claim 58, the Press Release does not teach or suggest recommending a plurality of secondary modes of transportation based on a travel goal to ensure arrival at a destination location by an appointment time. The final Official Action alleges that the Press Release discloses recommending alternative transportation modes to passengers to provide the best information on expected delays and arrival times of buses to enable passengers to calculate transit routes by alternative modes of transportation to their selected destinations. The final Official Action continues by alleging that it would have been obvious to modify the DeLorme system to include the teachings of the Press Release to enable a user to calculate a transit route and select one based upon the user's preference, budget and time available to reach the user's destination.

Applicants respectfully submit, however, that the Press Release does not disclose on what basis the travel information service will make its recommendations for alternative modes of transportation. Based upon the remainder of the Press Release, it could be suggested that the travel information service recommends alternative modes of transportation based upon the information provided by the system. Even in such an instance, however, the Press Release does not teach or suggest recommending a plurality of second modes of transportation based on a travel goal to ensure arrival at a destination location by an appointment time, as recited by independent Claim 58.

It could even be suggested, and appears to be alleged by the final Official Action, that the system disclosed by the Press Release allows the user to determine a secondary mode of transportation based on a travel goal to ensure arrival at a destination location by an appointment time. However, even in this instance, the system disclosed by the Press Release does not recommend secondary modes of transportation based on the travel goal since it's the user, and

Appl. No.: 09/141,264
Filed: August 27, 1998
Page 18

not the system, that determines the secondary mode of transportation based on a travel goal. Moreover, as explained above with respect to independent Claims 1, 20 and 39, in various instances when a traveler has never visited the destination location, or otherwise has no prior knowledge regarding the destination location, the traveler will likely be incapable of determining a mode of transportation between the intermediate location and destination location based upon a travel goal. Thus, Applicants respectfully submit that, even if the DeLorme system could be modified in accordance with the teachings of the Press Release, the combination of the DeLorme and Press Release systems do not teach or suggest a system capable of recommending a plurality of second modes of transportation based on a travel goal to ensure arrival at a destination location by an appointment time, as recited by independent Claim 58.

Applicants therefore respectfully submit that the claimed invention of independent Claim 58 is patentably distinct from the DeLorme patent and the Press Release, taken individually or in combination. As such, for at least the reasons given above, Applicants respectfully submit that the rejection of independent Claim 58 is overcome.

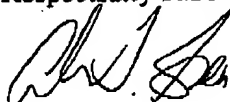
Appl. No.: 09/141,264
Filed: August 27, 1998
Page 19

CONCLUSION

In view of the amendment to the claims and the remarks presented above, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

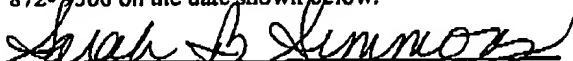


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Sarah B. Simmons

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